



**PHILADELPHIA**

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**FACSIMILE**

DATE: August 19, 2003  
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Attention: **PCT Legal Office**  
U.S.P.T.O. Group Art Unit: **1635**  
Telecopier No.: **703-308-6459**  
U.S. Serial No.: **09/403,539**  
Client/Matter No.: **ISIS-3013**  
Sender's Name: **Emma R. Dailey**  
Pages to Follow: **10**

If transmission is not complete, please call our Philadelphia Office at (215) 568-3100.

**COVER MESSAGE:**

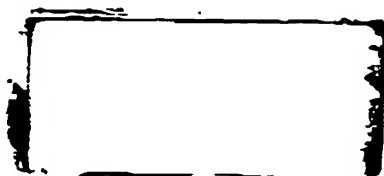
**OFFICIAL FACSIMILE. PLEASE DELIVER TO EXAMINER IMMEDIATELY.**

Attached hereto is/are the following documents:

- 1) Copy of return receipt postcard in connection with Petition filed July 16, 2002, including PCT date-stamped confirmation of receipt; and
- 2) Copy of July 16, 2002 Petition to Accord Filing Date for National Phase Application Filed Under 35 USC 371(c) and 37 CFR 1.495, including Exhibit A (copy of Notification of Acceptance of Application) and Exhibit B (Express Mail Receipt No. EL 531272634 US, dated October 22, 1999; and Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371 including Express Mail Label No. EL 531272634US

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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**RECEIVED BY THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Papers:** Petition to Accord Filing Date for National Phase  
Application Filed Under 35 U.S.C. 371(c) and 37 C.F.R. 1.495  
**Title:** Oligonucleotides for Enhanced Bioavailability  
**Applicant(s):** Dean, *et al.*  
**Serial No.:** 09/403,539  
**Filed:** 10/22/99  
**Docket No.:** ISIS-3013  
**Date Sent:** July 16, 2002

JWC/ERD/lshultz

**RECEIVED BY THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Papers:** Petition to Accord Filing Date for National Phase  
Application Filed Under 35 U.S.C. 371(c) and 37 C.F.R. 1.495  
**Title:** Oligonucleotides for Enhanced Bioavailability  
**Applicant(s):** Dean, *et al.*  
**Serial No.:** 09/403,539  
**Filed:** 10/22/99  
**Docket No.:** ISIS-3013  
**Date Sent:** July 16, 2002

JWC/ERD/lshultz

DT05 Rec'd PCT/PTO 22 JUL 2002



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

**Confirmation No.: 7420**

*Dean, et al.*

**Serial No.: 09/403,539**

**Group Art Unit: 1635**

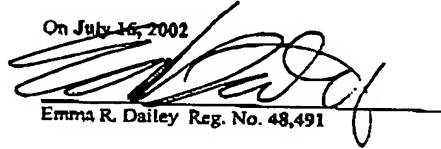
**Filing Date: October 22, 1999**

**Examiner: J. Zara**

**For: OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY**

I, Emma R. Dailey, Registration No. 48,491 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On July 16, 2002

  
Emma R. Dailey Reg. No. 48,491

Petitions Branch  
Assistant Commissioner for Patents  
Washington, DC 20231

**PETITION TO ACCORD FILING DATE FOR NATIONAL  
PHASE APPLICATION FILED UNDER 35 U.S.C. 371(c) and 37 C.F.R. 1.495**

1. This is a petition to accord the above-identified National Phase Application a filing date of January 4, 2000, which is the date on which the last of the 35 U.S.C. 371(c) requirements was received by the Patent Office. (See Exhibit A, a true and correct copy of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495).

**DOCKET NO.: ISIS-3013****PATENT**

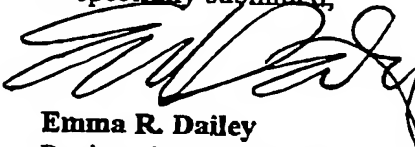
2. The Filing Receipt and each Office Action of record accords an October 22, 1999 filing date, which reflects the date on which the a copy of the International Application was transmitted to the International Bureau. (See Exhibit B, a true and correct copy of the Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 sent by Express Mail, and a Copy of the Express Mail Label).
3. *MPEP* § 1895.01(A) states, "the date which appears in the 'filing date' box . . . is the date on which the requirements of 35 U.S.C. 371(c) were complied with." Accordingly there is an apparent discrepancy between the filing date listed on the Official Filing Receipt and the date on the Notification of Acceptance, which Applicants believe is the correct filing date.
4. Applicants respectfully request that a filing date of January 4, 2000, be accorded to the above-referenced patent application.
5. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:
  - ☐ Enclosed please a check in the amount of \$130.00.
  - ☒ Please charge Deposit Account No. 23-3050 in the amount of \$130.00.
  - ☐ Please charge Deposit Account No. 23-3050 for any fee deficiency, or credit this account for any overpayment for this petition.

**DOCKET NO.: ISIS-3013****PATENT****REQUEST FOR REFUND OF PETITION FEE**

6. ☒ As the error was on the part of the Patent Office, a refund of the petition fee submitted herewith is respectfully requested

A duplicate of this petition is enclosed.

Respectfully submitted,



**Emma R. Dailey**

Registration No. 48,491

Date: July 16, 2002

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

8 2001 WW



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

09/403539

U.S. APPLICATION NO. 09/403,539	FIRST NAMED APPLICANT DEAN	ATTY. DOCKET NO. N
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PAUL K LEGAARD 5611  
WOODCOCK WASHBURN KURTZ MACKIEWICZ  
ONE LIBERTY PLACE  
16 FLOOR  
PHILADELPHIA PA 19103

INTERNATIONAL APPLICATION NO.

PCT/US92/08798

I.A. FILING DATE PRIORITY DATE

04/30/98 04/30/97

DATE MAILED:

01/31/00

**NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

04 Jan 00  
35 U.S.C. 112(e) DATE

04 Jan 00  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 22 Oct 99 and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☒ Oath or Declaration of inventor(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.
  - The Article 19 amendments ☐ have ☐ have not been entered.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).
  - ☐ Translation of Annexes to the IPER into English.
- The Annexes ☐ have ☐ have not been entered.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☒ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☒ Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

FORM PCT/DO/EO/903 (December 1997)

Telephone: (703)

Patricia G. Smith  
National Stage Processing  
Patent & Trademark  
(703) 305-3783

PB

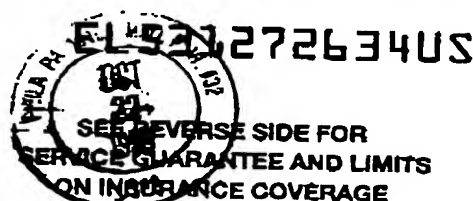


# POST OFFICE TO ADDRESSEE



\*EL531272634US\*

<b>ORIGIN (POSTAL USE ONLY)</b>		
PO ZIP <b>19104</b>	Registered Delivery <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in <b>10 22 99</b>	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage <b>\$ 11.75</b>
Time in <b>1902</b>	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Certificate <b>Ac</b>	Total Postage & Fees <b>\$ 11.75</b>



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FROM: (PLEASE PRINT) <b>WOODCOCK WASHBURN &amp; KURTZ, LLP 1 LIBERTY PL FL 46 PHILADELPHIA PA 19103-7301</b>	TO: (PLEASE PRINT) <b>Assistant Commissioner for Patents Box PCT (DO/EO/US) Washington, D.C. 20231</b>
PHONE <b>215,568 3100</b>	Customer Signature _____
ISIS-3013 mej	
PRESS HARD. FOR PICKUP OR TRACKING CALL 1-800-222-1811 <a href="http://www.usps.gov">www.usps.gov</a>	

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Label 11-F July 1997

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER ISIS-3013

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known see 37 C.F.R.)

INTERNATIONAL APPLICATION NO.  
PCT/US98/08798INTERNATIONAL FILING DATE  
30 APRIL 1998PRIORITY DATE CLAIMED  
30 APRIL 1997

TITLE OF INVENTION OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY

APPLICANT(S) FOR DO/EO/US Nicholas M. Dean, C. Frank Bennett, Brett P. Monia, Kenneth Draper, Kevin P. Anderson, Brent  
F. Baker and David J. Ecker

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
  4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ has been transmitted by the International Bureau.
    - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☐ An oath or declaration of the inventor(s) 35 U.S.C. 371(c)(4).
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☐ A **FIRST** preliminary amendment.
  14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  15. ☐ A substitute specification.
  16. ☒ A change of power of attorney and/or address letter.
  16. ☒ Other items or information: Photocopy of Executed Statement Claiming Small Entity Status;  
Copy of Amendment Under Article 34 filed on the PCT application


EXPRESS MAIL Mailing Label No. EL531272634US  
Date of Deposit: October 22, 1999 *44*

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date indicated  
above and is addressed to the Assistant Commissioner for  
Patents, Washington, D.C. 20231

MAILER

SIGNATURE *Bob Inforzato*



U.S. APPLICATION NO. (if known 37 C.F.R. 1.5) 17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO.....\$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) .....\$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$96.00		INTERNATIONAL APPLICATION NO. PCT/US98/08798		ATTORNEY DOCKET NUMBER ISIS-3013	
		CALCULATIONS      PTO USE ONLY			
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$670.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total claims	13 - 20 =	0	X \$18.00	\$0	
Independent Claims	3 - 3 =	0	x \$78.00	\$0	
Multiple dependent claims(s) (if applicable)			+ \$260.00	\$0	
TOTAL OF ABOVE CALCULATIONS AFTER ARTICLE 34 AMENDMENT =				\$670.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$335.00	
SUBTOTAL =				\$335.00	
Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$335.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$335.00	
		Amount to be refunded		\$	
		charged		\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>335.00</u> to cover the above fee is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. 23-3050 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-3050. A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Paul K. Legaard Woodcock Washburn Kurtz Mackiewicz & Norris LLP One Liberty Place - 46th Floor Philadelphia, PA 19103 (215) 568-3100					
		 SIGNATURE			
		Paul K. Legaard NAME			
		<u>38,534</u> REGISTRATION NUMBER			

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	5314
RECIPIENT ADDRESS	+2155683439
DESTINATION ID	
ST. TIME	08/19 11:27
TIME USE	01'25
PGS.	11
RESULT	OK